

REMARKS

This application has been reviewed in light of the Office Action mailed on September 8, 2004. Claims 1-7, 9-27 and 32-71 are pending in the application with Claims 1, 12, 16, 27, 47, 54, 55 and 62 being in independent form. By the present amendment, Claims 1, 12, 13, 16, 17, 27, 37, 47, 49, 52, 54, 55, 59, 62 and 65 have been amended. It is believed that no new matter is introduced into the claims by the amendments.

The Applicants gratefully acknowledge the Examiner's courtesy in granting an interview with the Applicants on October 8, 2004. The proposed limitations presented to the Examiner during the interview have been incorporated within the pending independent claims.

The Applicants further gratefully acknowledge the responsiveness by the Examiner in initialing and returning the outstanding 1449 Forms which were submitted with corresponding Information Disclosure Statements and were not returned with the Office Action. The Examiner initialed and sent the outstanding 1449 Forms via facsimile to the Applicants on September 21, 2004.

In the Office Action, Claims 1-7, 11-17, 21, 22, 25-27, 32-36, 40, 42-51, 53-58, 60-67 and 69-71 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,760,470 issued to Bogosian et al. on July 6, 2004 (hereinafter "Bogosian et al."). Bogosian et al. teaches a method for transferring funds between buyers and sellers in an electronic commerce system that provides a marketplace for users to buy and sell goods, such as online auction systems or a "flea market" system.

Independent Claims 1, 12, 16, 27, 47, 54, 55 and 62 have been amended in a manner which is believed to better define Applicants' invention. In particular, independent Claims 1, 27,

54 and 62 have been amended and now recite the following limitations: "payment account storing funds therein and corresponding to the buyer." Independent Claim 55 has been amended and now recites the following limitations: "the at least one payment account corresponding to the buyer and the at least one payment account corresponding to the seller are configured for storing funds therein and are stored within a database system of the integrated platform." Independent Claims 12, 16 and 47 have been amended and now recite the following limitations: "payment account storing funds within the electronic auction system"; or "payment account storing funds within the electronic commerce system."

The above-noted limitations are supported by Applicants' specification. Applicants' specification expressly teaches that each payment account is configured for storing funds which can be used to effect payment. The specification explicitly states that each payment account does not store information relating to sources which can be used to initiate payment, such as credit card information. See paragraph 0049 of Applicants' published patent application.

Bogosian et al. teaches away from the recitations of Applicants' claims. Bogosian et al. teaches that when a buyer purchases one or more items from a seller, the buyer's credit card account is charged to collect funds for the purchase, and at least a portion of the collected funds is deposited into a bank account of the seller using a previously extracted bank routing number. (Emphasis added) See Abstract; column 2, lines 48-67; column 5, lines 41-55; column 13, lines 48-55.

Applicants were aware of credit card payment methodologies for effecting payment for electronic commerce transactions as of the effective filing date of the subject patent application. In fact, a similar, if not identical method to the method described by Bogosian et al., is described

in Applicants' Background of the Invention section (paragraph 0010 of Applicant's published application) where Applicants describe a prior art method for effecting payment where a winning bidder of an electronic auction web site accesses a payment web site (or a payment segment of the electronic auction web site) and enters credit card information. The Applicants describe that subsequently a management system overseeing the payment web site charges the credit card and upon payment confirmation, an e-mail is sent to the seller instructing the seller to ship the item to the winning bidder. The Applicants further describe that after two to three business days, the payment web site management system pays the seller by direct deposit an amount equal to the charged amount minus a commission and a transaction fee.

Bogosian et al. does not disclose or suggest deducting funds from a payment account storing funds therein and corresponding to the buyer, as recited by Applicants' claims. Bogosian et al. effects payment for a buyer by charging the buyer's credit card. Bogosian et al. recites in the Abstract, "...when a buyer purchases one or more items from a seller, the buyer's credit card account is charged to collect funds for the purchase....". Bogosian et al. does not disclose or suggest collecting funds by deducting funds from a payment account storing funds therein and corresponding to the buyer, as recited by Applicants' claims. If Bogosian et al. taught a payment account storing funds therein and corresponding to the buyer, then Bogosian et al. would have described such a payment account for effecting payment. Bogosian et al. only describes charging the buyer's credit card for effecting payment.

Additionally, Bogosian et al. does not disclose or suggest transferring funds to a payment account storing funds within the electronic auction system or electronic commerce system, as recited by Applicants' claims. Bogosian et al. recites in the Abstract, "...the buyer's credit card

account is charged to collect funds for the purchase, and at least a portion of the collected funds is deposited into the bank account of the seller using the extracted bank routing number."

Bogosian et al. does not disclose or suggest transferring funds to a payment account storing funds within the electronic auction system or electronic commerce system, as recited by Applicants' claims. If Bogosian et al. taught transferring funds to a payment account storing funds within the electronic auction system or electronic commerce system, then Bogosian et al. would have described such a payment account for effecting payment. Bogosian et al. only describes depositing a portion of the collected funds into a bank account of the seller using the extracted bank routing number for effecting payment.

It is therefore believed that Applicants' Claims 1, 27, 54 and 62 which recite at least the limitations "payment account storing funds therein and corresponding to the buyer" and Claims 12, 16 and 47 which recite at least the limitations "payment account storing funds within the electronic auction system" and "payment account storing funds within the electronic commerce system," respectively, are patentably distinct from the teachings of Bogosian et al. It is also believed that Applicants' Claim 55 which recites at least the limitations "the at least one payment account corresponding to the buyer and the at least one payment account corresponding to the seller are configured for storing funds therein and are stored within a database system of the integrated platform" is patentably distinct from the teachings of Bogosian et al.

Based at least on the above reasons, Applicants' independent Claims 1, 12, 16, 27, 47, 54, 55 and 62 are not anticipated under 35 U.S.C. §102(e) over Bogosian et al. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claims 1, 12, 16, 27, 47, 54, 55 and 62 and allowance thereof are respectfully requested.

Applicants' dependent Claim 4 recites features which are not disclosed or suggested by Bogosian et al. Bogosian et al. does not disclose or suggest "sending an e-mail to at least the seller indicating that payment has been made by the buyer ... wherein the e-mail sent to the seller contains a link to a web site for leaving comments regarding the payment transaction between the buyer and the seller," as recited by Applicants' dependent Claim 4 taken in conjunction with Applicants' dependent Claim 3 from which Claim 4 depends from. Column 13, line 65 to column 14, line 5 of Bogosian et al. discloses sending an e-mail to the buyer with a link to an Amazon.com Payments web page. Bogosian et al. does not disclose that the e-mail sent to the buyer includes a link to a web site for leaving comments regarding the payment transaction between the buyer and the seller. The same arguments stated above for dependent Claim 4 are applicable to dependent Claim 25 as well, since Claim 25 recites similar recitations as dependent Claim 4.

Applicants' dependent Claim 11 recites features which are not disclosed or suggested by Bogosian et al. Bogosian et al. does not disclose or suggest "activating a character recognition mode; receiving characters corresponding to a portion of a hyperlink provided on the e-mail; and recognizing the received characters as corresponding to the portion of the hyperlink," as recited by Applicants' dependent Claim 11. Column 13, line 65 to column 14, line 5 of Bogosian et al. discloses sending an e-mail to the buyer with a link to an Amazon.com Payments web page. Bogosian et al. does not disclose or suggest the features recited by Applicants' dependent Claim 11.

Additionally, with respect to dependent Claims 4, 11 and 25, as well as dependent Claims 2, 3, 5-7, 13-15, 17, 21, 22, 26, 32-36, 40, 42-46, 48-51, 53, 56-58, 60, 61, 63-67 and 69-71,

these claims depend from Claims 1, 12, 16, 47, 55 and 62, and therefore include the limitations of Claims 1, 12, 16, 47, 55 and 62. Therefore, for at least the same reasons given above for Claims 1, 12, 16, 47, 55 and 62, Claims 2-7, 11, 13-15, 17, 21, 22, 25, 26, 32-36, 40, 42-46, 48-51, 53, 56-58, 60, 61, 63-67 and 69-71 are believed to be allowable over Bogosian et al. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claims 2-7, 11, 13-15, 17, 21, 22, 25, 26, 32-36, 40, 42-46, 48-51, 53, 56-58, 60, 61, 63-67 and 69-71 and allowance thereof are respectfully requested.

Dependent Claims 9-10, 18-20, 23-24, 37-39, 41, 52, 59, 65 and 68 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bogosian et al.

Applicants' dependent Claim 9 and 10 recites features which are not disclosed or suggested by Bogosian et al. In particular, with respect to dependent Claim 10, Bogosian et al. does not disclose or suggest "skipping the providing a payment page and receiving authorization steps if the at least one input is not received within a predetermined time period," as recited by Applicants' dependent Claim 9. As such, if the at least one input is not received within the predetermined time period, Applicants' method for effecting payment proceeds with the step of deducting funds from the payment account storing funds therein and corresponding to the buyer and the step of using at least a portion of the deducted funds to effect payment to at least the seller, as recited by Applicants' Claim 1. Accordingly, Applicants' method for effecting payment is not cancelled, as stated by the Examiner as being old and well known in the art, but the method proceeds and the seller is subsequently paid.

With respect to dependent Claim 10, if it is determined that notification has been received from the seller that payment has not been made by the buyer within a predetermined time period,

the steps of providing a payment page and receiving authorization steps are skipped. As such, if notification is received from the seller, Applicants' method for effecting payment proceeds with the step of deducting funds from the payment account storing funds therein and corresponding to the buyer and the step of using at least a portion of the deducted funds to effect payment to at least the seller, as recited by Applicants' Claim 1. Accordingly, Applicants' method for effecting payment is not dependent on the buyer being provided with a payment page and receipt of authorization from the buyer via the payment page, but the method proceeds even if authorization is not received from the buyer and the seller is subsequently paid.

With respect to dependent Claims 18, 37, 52, 59 and 65, there is no suggestion or disclosure by Bogosian et al. of a method for effecting payment for at least one item purchased by a buyer via an electronic auction web site or electronic commerce web site maintained by an electronic auction system or electronic commerce system as recited by independent Claims 1, 16, 47, 55 and 62 which can include loaning funds by the electronic auction system or electronic commerce system as recited by dependent Claims 18, 37, 52, 59 and 65. In particular, Bogosian et al. does not disclose or suggest "loaning funds to the buyer by the electronic auction system," as recited by Applicants' dependent Claim 18. Further, Bogosian et al. does not disclose or suggest "loaning funds to the buyer for effecting payment by the electronic auction system; and charging the buyer interest for the amount of funds loaned," as recited by Applicants' dependent Claim 37.

Further still, Bogosian et al. does not disclose or suggest "wherein the at least one other method includes loaning funds to the buyer for effecting payment by the electronic commerce system," as recited by Applicants' dependent Claim 52. Additionally, Bogosian et al. does not

disclose or suggest "wherein the at least one other method includes loaning funds to the buyer for effecting payment by the electronic commerce system," as recited by Applicants' dependent Claim 59. Finally, Bogosian et al. does not disclose or suggest "wherein the transferring step further comprises the step of transferring funds loaned to the buyer by the electronic commerce system for effecting the immediate payment," as recited by Applicants' dependent Claim 65.

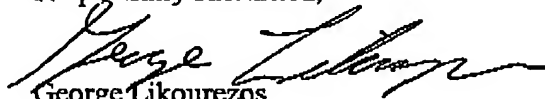
Hence, with respect to dependent Claims 9, 10, 18, 37, 52, 59 and 65, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Bogosian et al. to provide the features recited by these claims. Additionally, with respect to dependent Claims 9, 10, 18, 37, 52, 59 and 65, as well as Applicant's dependent Claims 19, 20, 23, 24, 37-39, 41 and 68 depend from Claims 1, 16, 47, 55 and 62; and therefore include the limitations of Claims 1, 16, 47, 55 and 62. Therefore, for at least the same reasons given above for Claims 1, 16, 47, 55 and 62, Claims 9, 10, 18-20, 23, 24, 37-39, 41, 52, 59, 65 and 68 are believed to be allowable over Bogosian et al.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 9, 10, 18-20, 23, 24, 37-39, 41, 52, 59, 65 and 68 and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-7, 9-27 and 32-71, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at (631) 220-5706.

Respectfully submitted,



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